

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

WILLIAM BOGLE, JR.,)
Plaintiff,)
v.) No. 2:11-cv-0106
SHIROKI NORTH AMERICA, INC.,) Judge Sharp
Defendant.) Magistrate Judge Knowles

ORDER

Plaintiff William Bogle, Jr. filed a Complaint against Defendant Shiroki North America, Inc., wherein he sought damages and other relief for denial of protected rights, and wrongful and retaliatory discharge, all in violation of The Family and Medical Leave Act of 1993 (the “FMLA”), 29 U.S.C. § 2601, *et seq.* Because Plaintiff has failed to prosecute this case, the Magistrate Judge entered a Report and Recommendation (“R & R”) (Docket Entry No. 18) recommending that Defendant’s *Motion to Dismiss* for failure to prosecute and failure to comply with a court order¹ be granted and that the Complaint be dismissed. Plaintiff has filed no objections to the R & R.²

Where no objections are made to the R & R, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed.R.Civ.P. 72(b). The Court has thoroughly reviewed the record in this case and the applicable law and concludes that the Magistrate Judge was correct in

¹ On January 25, 2012, the Court entered an Order permitting Plaintiff’s attorney to withdraw as counsel of record in this action. Further, Plaintiff was given “thirty (30) days from the date of the entry of [the Order] within which to retain substitute counsel or to notify the Court that he intends to proceed pro se.” *See* (Docket Entry No. 14).

² The record in this matter indicates that Plaintiff received the R & R via Certified Mail. The Clerk’s Office entered the return receipt on July 16, 2012. *See* (Docket Entry No. 20).

recommending that the *Motion to Dismiss* for failure to prosecute and failure to comply with a court order filed on behalf of Defendant (Docket Entry No. 17) be granted.

Accordingly, the Court hereby rules as follows:

- (1) The Report and Recommendation (Docket Entry No. 18) is hereby ACCEPTED and APPROVED; and
- (2) Defendant's *Motion to Dismiss* for failure to prosecute and failure to comply with a court order (Docket Entry No. 17) is hereby GRANTED.

Entry of this Order on the docket shall constitute entry of a final judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE